

FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

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U.S. DISTRICT COURT
N.D. OF ALABAMA

NELL RUTH NEWKIRK,)
Plaintiff,)
vs.) CV 92-PT-2909-S
ALABAMA POWER COMPANY,)
Defendant.) *Upg*

ENTERED

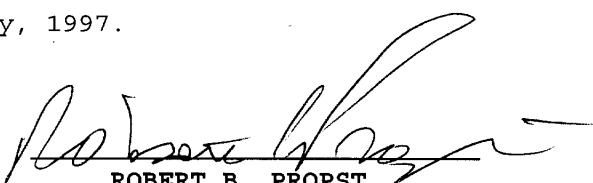
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ADDENDUM TO MEMORANDUM OPINION

In a Memorandum Opinion filed on October 1996, the court made reference to the issue of whether employment discrimination cases are appropriate for summary judgment or judgment as a matter of law consideration. The argument is often made that they are not. The court has recently seen the case of Ratliff v. DeKalb County, Ga., 62 F.3d 338, 341 (11th Cir. 1995) where the court said:

We have stressed before to district courts that, given the ease of pleading cases of discrimination, plaintiffs seeking to avoid summary judgment should be strictly held to the requirements of Rule 56(e); the plaintiff must present specific non-conclusory facts that would support a jury verdict against the particular defendant on discriminatory intent. See Edwards, 49 F.3d at 1524.

This 8 day of January, 1997.


ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE